JOINT STATEMENT

ON COOPERATION AND THE EXCHANGE OF INFORMATION FOR A BETTER FUNCTIONING OF THE ROMANIAN AND DUTCH LABOUR MARKETS

The Minister of Labour, Family, Social Protection and Elderly of Romania

and

The Minister of Social Affairs and Employment

of the Kingdom of the Netherlands

Recognising that the European internal market, with its free movement of persons, goods and services, is of the utmost importance for our economies, and is essential for the recovery of the economy in Europe.

Agreeing that in promoting the internal market not only economic, but also social aspects should be observed, and that decent labour conditions, fair wages and effective social protection for employees and self-employed workers are essential both for the workers concerned and for the acceptance of the European project by European citizens in general.

Noting, however, that in a number of sectors of our economies labour conditions are under pressure, because of increased competition, smaller profit margins, and cutbacks on costs, including labour costs.

Observing that these circumstances have led to excesses, such as underpayment, exploitation and in the worst cases human trafficking, phenomena which cannot be tolerated in any decent society, and are therefore under all circumstances unacceptable, both from the perspective of employees, because of the social problems they bring, and from the perspective of employers, as false competition threatens the level playing field.

Agreeing that dealing with these challenges is mainly a national competence, but that considering the European dimension of modern services, industry and agriculture and the extensive cross border labour relations which have developed between our countries, a further strengthening of our cooperation is vital for a successful fight against fraud and abuse.

Having regard to the organisational differences between our countries, respecting the competences of authorities and implementing bodies in our countries, and operating with due respect for earlier agreements and obligations between these authorities and implementing bodies.

Respecting the Memorandum of Understanding between the Ministry of Labour, Family and Social Protection of Romania and the Ministry of Social Affairs and Employment of the Kingdom of the Netherlands on cooperation concerning enforcement of the rules on social policy in case of cross border labour and services, signed on 1 July 2010.

HAVE AGREED:

to reiterate the agreements above, to promote, within our competences, by all possible means, the intensification of the cooperation between our countries, our Ministries and our implementing bodies, and the prioritisation of the fight against fraud and abuse by our Ministries and implementing bodies,

to embrace and strongly support the implementation of the additional work arrangements that have been made by the responsible parties based on the agreements as mentioned above, and as listed in the appendix to this declaration,

to evaluate the results of our intensified cooperation, to intervene whenever problems arise, and to keep each other informed on the developments in our fight against fraud and abuse.

Signed in Luxembourg on 20 June 2013.

Minister of Labour, Family, Social Protection and Elderly of Romania,

Mariana Câmpeanu

Minister of Social Affairs and Employment of the Kingdom of the Netherlands,

Lodewijk Asscher

Appendix 1 Action plan

The following organisations were involved in making the agreements as described below:

Romania:

- The Ministry of Labour, Family, Social Protection and Elderly;
- The National Labour Inspectorate;
- National Public Pension House
- National Employment Agency
- The Ministry of Public Finance

Kingdom of the Netherlands:

- The Ministry of Social Affairs and Employment
- The Ministry of Finance
- The Inspectorate Social Affairs and Employment
- The Tax Administration
- The Social Insurance Bank

Within their respective responsibilities and within the scope of the Memorandum of Understanding of 2010, the following has been agreed:

1. *Providing risk information for the labour inspectorates*

- The Dutch Inspectorate SZW and the Romanian Labour Inspectorate will provide each other every three months with information on companies with a link to Romania or the Netherlands (employer or workers) which were fined and/or under investigation for infringement of legislation concerning the Minimum Wage, Occupational Health and Safety and Working Time.
- Before September 2013, the Romanian Labour Inspectorate will send information concerning the identity of the Romanian companies that posted workers to the Netherlands and the number of workers these companies posted.
- The Dutch Inspectorate SZW will report back to the Romanian Labour Inspectorate the relevant information about the above mentioned postings before the end of the year. After this, the same process will be repeated on a monthly basis.
- The information will be sent through the liaison offices that have been installed to implement Directive 96/71.
- Both Inspectorates will mutually assess the usefulness of the sent information.

2. *Providing information on bonafide Dutch staffing agencies (the private certificate)*

- The Dutch Inspectorate SZW will send every 6 months a list of all temporary work agencies that have a certificate with the Stichting Normering Arbeid (SNA) and of temporary work agencies whose certificate was withdrawn. The Dutch Inspectorate will tailor the information as much as possible for the Romanian use.
- The Romanian Labour Inspectorate will send every 6 months a list of all temporary work agencies and of the temporary work agencies whose licence was withdrawn.
- The information will be sent through the liaison offices that have been installed to implement Directive 96/71.

3. *Information exchanges on A1 declarations*

- Romania and The Netherlands confirm their intention to strengthen the exchange of information to facilitate the implementation of the EU provisions on situations of posting and working in more member States.
- Romania and the Netherlands ensure a follow-up of indications, resulting from inspections or surveys, which cast doubt on the validity of A1 declarations or the facts on which they are based (e.g. absence of a direct link between the worker and the sending company). The exchange of

information should facilitate detection of forged A1's, verification whether legal conditions for posting/working in more Member States are met, and monitoring during the A1 period.

- The Netherlands and Romania will appoint contact persons in order to have a direct exchange of information

4. Communication and public information

- Romania and the Netherlands will cooperate in distributing information both in Romania and the Netherlands about working in the Netherlands.